

REMARKS

Appreciation is expressed for the indication of allowability of claims 35, 37-45 and 49-53.

Applicant is planning to file a certified copy of the priority document shortly.

In response to the rejection under 35 USC 112, second paragraph, claim 28 has been amended to make it clear that it is directed to a suction tube per se, claim 48 has been written in independent form and similarly clarified, and the claims have been amended to address other matters noted in that rejection. Claims 28 and 48 have also been amended to recite that the inhalation channel extends axially rearward of the cutting edge of the cutting blade. New independent claim 54 is similar in scope to original claim 28, except that it recites the combination of a suction tube and blisters with powder, and new independent claim 55 is similar in scope to original claim 48 except that it recites an inhaler with a suction tube and blisters containing powder.

The claims that were not found allowable were rejected as anticipated by Willis U.S. Patent No. 5,566,859, which was said to disclose a tube with a foil piercing and clearing nozzle.

Independent claims 28 and 48 are directed to a suction tube for drawing the powder from a blister. The tube has an elongate body, an inlet for entering the blister, an outlet providing a mouthpiece, and an inhalation channel between the inlet and the outlet through which powder is in use drawn on inhalation by a user. The inlet section has a cutting blade with a cutting edge for making a cut in the covering film of the blister and a ram blade including a bearing surface for bearing on the covering film of the blister and pushing it into the cavity of the blister. The cutting blade extends across the inlet. (See, e.g., cutting blade 127 and ram blades 129, 131 cutting the covering film and pushing it into the cavity in Fig. 11.) Claims 28 and 48 also recite that the inhalation channel extends axially rearward of the cutting edge of the cutting blade.

Willis, on the other hand, describes a nozzle that attaches over the neck of an oil bottle and includes a blade 24 to pierce the foil of the oil bottle and a cylindrical flange 34 that biases the foil back. Willis nowhere discloses or suggests a suction tube with an elongate body. The "elongate body" in Willis is in fact a cap that extends forward in the same direction as the blade

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and fits over the screw threads on the neck of the oil bottle. Willis nowhere discloses or suggests an inhalation chamber that extends rearward of the cutting edge of the cutting blade, as required by claims 28 and 48, and these claims are allowable under 35 USC 102 and 103(a). The remaining claims, with the exception of claims 54 and 55, depend on claim 28 or 48 and are allowable with them.

New claims 54 and 55 affirmatively recite a blister containing powder containing medicament, which is nowhere disclosed in or suggested by Willis, and these claims accordingly are also allowable under 35 USC 102 and 103(a).